

REMARKS

Claims 28-29 and 31-33, drawn to a separate invention, have been canceled. It is requested that non-elected species Claims 2, 7, 11, 14, 16, 19, 20, 22, and 23 be rejoined in view of the allowance of the generic claim in view of the following statement.

Various claims stand rejected under 35 USC 103(a) over Hoag, US 6,661,023; Conley US 6,670,053; Conley US 6,828,044; Cosimescu US Publication 2004/001969; and Conley US Publication 2005/0208329.

STATEMENT OF COMMON OWNERSHIP

With respect to each of the cited patents and applications in the preceding paragraph, Applicants' attorney hereby represents that this application and the cited references were, at the time this the invention was made, owned by, or subject to an obligation of assignment to, the same person.

Applicants respectfully request that the Examiner reopen prosecution to consider the patentability of the previously non-elected species. The failure to reach a final allowance of all claims earlier is in part attributed to the Examiner's statement at the bottom of page 6 of the Office Action of 1/19/2006. There the Examiner acknowledged Applicants' Common Ownership and noted that the rejection using Hoag qualifies as prior art under another subsection of Section 102. The Examiner made the same statement with respect to the other references. As a result, Applicants provide a response on 4/21/2006 showing that the cited art did not in fact qualify under any other paragraphs of Section 102. Now, the Examiner has gone back to relying on paragraph 102 (e) as the basis of his 103 (a) rejection confirming Applicants' original position.

Although the Examiner apparently acknowledged common ownership, a Statement of Common Ownership is provided herein to resolve any concerns. It is noted that the Examiner suggests the need for Declarations or Affidavits and a Terminal Disclaimer to overcome these references however such are needed only where there the claims of the reference present a concern. None of the Examiner's reasons for rejection appear to mention the claims of any of the references. Therefore the above statement appears adequate to do the job.

In view of the foregoing amendments, remarks, and Statement of Common Ownership, the Examiner is respectfully requested to withdraw the outstanding rejection and to pass the subject application, including all claims not canceled, to Allowance.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.